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PATENT COOPERATION TREATY

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

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PATENT DEPARTMENT

OCT 19 2004

DOCKETED

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

14.10.2004

Applicant's or agent's file reference
702467 PCT

IMPORTANT NOTIFICATION

International application No.
PCT/CA 03/00890

International filing date (day/month/year)
06.06.2003

Priority date (day/month/year)
11.06.2002

Applicant

INTIER AUTOMOTIVE CLOSURES INC. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

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Name and mailing address of the international
preliminary examining authority:



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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15 OCT 2004

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Applicant's or agent's file reference 702467 PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/CA 03/00890	International filing date (day/month/year) 06.06.2003	Priority date (day/month/year) 11.06.2002
International Patent Classification (IPC) or both national classification and IPC B60J5/06		
Applicant INTIER AUTOMOTIVE CLOSURES INC. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.


☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

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Date of submission of the demand 06.01.2004	Date of completion of this report 14.10.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Christensen, J Telephone No. +49 89 2399-7863



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/CA 03/00890**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

Description, Pages

1-7 as originally filed

Claims, Numbers

1-11 received on 12.06.2004 with letter of 07.06.2004

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/CA 03/00890**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	1-11
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations
see separate sheet

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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/CA 03/00890

V. Reasoned statement

Assuming that the defects referring to claims and description (see items V.4 and V.5) have been removed, the subject-matter of independent claims 1 and 8 could be considered as new, involving an inventive step and having industrial applicability in the sense of Article 33(2)(3)(4) PCT.

The claims 2-7 and 9-11, as dependent on claims 1 and 8, would also meet the mentioned requirements.

V.1 State of the art

Document GB 049774 A (D1) discloses the features in the preamble of the independent claims 1 and 8 and is therefore considered as the closest prior art.

V.2 Technical problem

To provide an alternative pivoting and sliding vehicle door of the type comprising a pivot arm.

V.3 Solution of the problem

The stated problem is solved in the invention by including a body panel in the vehicle body, the panel being adjacent to the door and having a recessed section to receive the pivot arm and maintain it flush with the panel when the door is in closed position. Therewith, an improved optical appearance is achieved.

Document D1 discloses a vehicle door of the same type as the invention, the pivot arm being received in a recessed section at the vehicle side. In this case, the pivot arm remains below the outer surface of the vehicle side, thus not offering a flush appearance.

Therefore, the technical problem is solved by the combination of features in each of the independent claims 1 and 8, which is neither known from nor suggested by the available prior art documents.

V.4 Article 6 PCT

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**INTERNATIONAL PRELIMINARY
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International application No. PCT/CA 03/00890

The application does not meet the requirements of Article 6 PCT, because claims 1, 2, 4, 5 and 10 are not supported by the description.

The **independent claim 1** defines a pivot arm having "a first end pivotally connected to a first end of the door" and "a second end pivotally connectable to the vehicle". Dependent **claim 2** additionally defines a "first hinge pivotally coupling the second end of the pivot arm to the vehicle body" and a "second hinge pivotally coupling the first end of the pivot arm to the vehicle door".

These claims, being in accordance to each other, are not supported by the description, specially page 4, first paragraph, where it is the "first end" of the pivot arm which is connected to the vehicle body and the "second end" which is connected to the vehicle door. Even when the mentioned part of the description refers to an exemplary embodiment, the terminology should be consistent throughout the application.

Further, the features defined in the characterising portion of the **independent claim 1** as well as in the dependent **claims 4, 5 and 10** are at least partially not included in the description.

V.5 Other remarks

The features of the claims are not provided with **reference signs** placed in parentheses (Rule 6.2(b) PCT). Additionally, the reference signs 117, 127 and 129, mentioned in the description, are not represented in the drawings (Article 6 PCT).

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We Claim:

1. A vehicle door system comprising:
 - a door;
 - a pivot arm having a first end pivotally connected to a first end of the door, and a second end pivotally connectable to the vehicle; and
 - a guide mounted on a second end of the door for engagement with a guide track on the vehicle, the pivot arm and the guide cooperating to cause the door to pivot and slide relative to the vehicle as the door moves between an open and a closed position;characterized in that the vehicle body includes a body panel disposed adjacent the passenger doorway which includes a substantially horizontal recessed section that is configured to receive the pivot arm therein and maintain it flush with the body panel when the vehicle door is disposed in the door closed position.
2. The door system according to claim 1, including a first hinge pivotally coupling the second end of the pivot arm to the vehicle body about a first pivot axis, and a second hinge pivotally coupling the first end of the pivot arm to the vehicle door about a second pivot axis, the first pivot axis comprising a substantially vertical axis and being substantially parallel to the second pivot axis.
3. The door system according to claim 2, wherein the first hinge is disposed proximate the recessed section.
4. The vehicle according to claim 2, wherein one of the hinges includes a latch configured for arresting the vehicle door in one of the door closed position and the door open position.

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AMENDED SHEET

5. The vehicle according to claim 4, wherein the vehicle door includes a release handle having a released position and an actuated position, and the latch comprises a pawl coupled to the release handle, and a detent configured for receiving the pawl within for retaining the vehicle door in the arrested position when the release handle is disposed in the released position.
6. The vehicle according to claim 2, wherein the doorway includes said guide track disposed adjacent a lower portion thereof, and the vehicle door includes said guide arm received within the guide track for supporting the vehicle door.
7. The vehicle according to claim 6, wherein the doorway has a pair of opposite sides, the pivot arm is disposed adjacent one of the opposite sides, and the guide track comprises a substantially linear guide track extending between the opposite sides, the linear guide track including an arcuate end disposed adjacent the other of the opposite sides and extending inwardly into the vehicle interior.
8. A vehicle door for fitting to a vehicle body, the vehicle body including a vehicle interior and a passenger doorway exposing the vehicle interior, the vehicle door comprising:
- a vehicle door frame including an upper portion, a lower portion, and a pair of opposite sides extending between the upper and lower portions; and
 - a pivot arm coupled to the door frame adjacent one of the opposite sides, the pivot arm including a pair of opposite ends, a first of the opposite ends including a first hinge for pivotally coupling the pivot arm to the vehicle body about a first pivot axis, the second end including a second hinge pivotally coupling the vehicle door frame to the support arm about a second pivot axis;
- characterized in that the vehicle body includes a body panel disposed adjacent the passenger doorway which includes a substantially horizontal recessed section that

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is configured to receive the pivot arm therein and maintain it flush with the body panel when the vehicle door is disposed in the door closed position.

9. The vehicle door according to claim 8, wherein the first pivot axis is parallel to the second pivot axis.

10. The vehicle door according to claim 8, wherein the vehicle door frame includes a release handle operable between a released position and an actuated position, and one of the hinges includes a latch configured for arresting pivotal movement of the vehicle door, the latch comprising a pawl coupled to the release handle, and a detent configured for receiving the pawl within for retaining the vehicle door in the arrested position when the release handle is disposed in the released position.

11. The vehicle door according to claim 10, wherein the doorway includes a guide track, and the vehicle door includes a guide arm disposed adjacent the lower portion for guiding the vehicle door along the guide track.

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